

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Kinya Takagaki et al.

Application No.: 10/522,568

Filing Date: March 15, 2005

Title: FOOD FOR IMPROVING BLOOD FLUIDITY

Group Art Unit: 1734

Examiner: Unassigned

Confirmation No.: 8761

**SECOND
INFORMATION DISCLOSURE STATEMENT
TRANSMITTAL LETTER**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a **SECOND** Information Disclosure Statement and accompanying form PTO-1449 for the above-identified patent application.

- ☒ No additional fee for submission of an IDS is required.
- ☐ The fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) is also enclosed.
- ☐ A statement under 37 C.F.R. § 1.97(e) is also enclosed.
- ☐ A statement under 37 C.F.R. § 1.97(e), and the fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) are also enclosed.
- ☐ Charge _____ to Deposit Account No. 02-4800 for the fee due.
- ☐ A check in the amount of _____ is enclosed for the fee due.
- ☐ Charge _____ to credit card. Form PTO-2038 is attached.

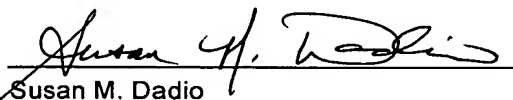
The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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By



Susan M. Dadio

Registration No. 40,373

Date: July 14, 2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|---|---|------------------------|
| In re Patent Application of |) | |
| Kinya Takagaki et al. |) | Group Art Unit: 1734 |
| Application No.: 10/522,568 |) | Examiner: Unassigned |
| Filed: March 15, 2005 |) | Confirmation No.: 8761 |
| For: FOOD FOR IMPROVING BLOOD FLUIDITY |) | |

SECOND INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, the accompanying information is being submitted in accordance with 37 C.F.R. §§ 1.97 and 1.98. Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited is enclosed. However, copies of the listed U.S. patents and U.S. patent publications are not enclosed since it is no longer required according to the July 11, 2003 waiver of the requirement for copies of cited U.S. patents and U.S. patent application publications in national patent applications filed after June 30, 2003 and international applications entering the national stage under 35 U.S.C. § 371 after June 30, 2003.

U.S. Patent Documents

1. Saito et al., U.S. Patent Publication No. 2002/0032173 A1, published on March 14, 2002 (corresponds to Japanese Patent Publication No. 2002-97143).
2. Rohdewald, U.S. Patent No. 5,720,956, issued on February 24, 1998 (corresponds to Japanese Patent Publication No. 9-278663).
3. Suzuki et al., U.S. Patent No. 6,372,266 B1, issued on April 16, 2002 (corresponds to Japanese Patent Publication No. 2001-106634).

Foreign Patent Documents

1. Japanese Patent Publication No. 7-138168, published on May 30, 1995 (Abstract).
2. Japanese Patent Publication No. 2002-97143, published on April 2, 2002.
3. Japanese Laid-Open Patent Publication No. 2000-135071, published on May 16, 2000 (Partial Translation).

4. Japanese Patent Publication No. 9-278663, published on October 28, 1997.
5. Japanese Patent Publication No. 08-073365, published on March 19, 1996
(Abstract).
6. Japanese Patent Publication No. 2000-125823, published on May 9, 2000
(Abstract).
7. Japanese Patent Publication No. 11-302142, published on November 2, 1999
(Abstract).
8. Japanese Patent Publication No. 2003-146898, published on May 21, 2003
(Abstract).
9. Japanese Patent Publication No. 2001-106634, published on April 17, 2001.
10. Japanese Laid-Open Patent Publication No. 2002-29953, published on January 29, 2002 (Partial Translation).
11. Japanese Laid-Open Patent Publication No. 2003-95968, published on April 3, 2003 (Partial Translation).
12. Japanese Laid-Open Patent Publication No. 2003-284525, published on October 7, 2003 (Partial Translation).
13. Japanese Laid-Open Patent Publication No. 2003-128560, published on May 8, 2003.

Non-Patent Literature Documents

1. TAKAGAKI, "Icho Ha Extract no Tokusei to Riyo", New Food Industry, 1998, vol. 40, n. 5, pp. 1-7 (Partial Translation).
2. "Grape seed polyphenols (Grape seed proanthocyanidins). "The polyphenols suppress oxidation of LDL, thereby providing effect of preventing arteriosclerosis", Vitamin, 1999, vol. 73, n. 12, pp. 747-749 (Partial Translation).

The documents are being submitted within three (3) months of the filing or entry of the national stage of this application or before the first Office Action on the merits, whichever is later. Since these documents are being filed within the time period set forth in 37 C.F.R. § 1.97(b), no fee or statement is required.

SECOND Information Disclosure Statement

Application No. 10/522,568

Attorney's Docket No. 034318-001

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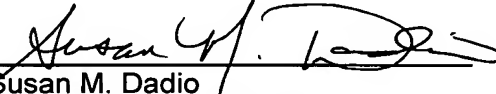
To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date July 14, 2005

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(703) 836-6620

SECOND INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

| | |
|------------------------|-----------------------|
| Application Number | 10/522,568 |
| Filing Date | March 15, 2005 |
| First Named Inventor | Kinya Takagaki et al. |
| Examiner Name | Unassigned |
| Attorney Docket Number | 034318-001 |

JUL 14 2005

U.S. PATENT DOCUMENTS

| Examiner Initials | Document Number | Kind Code (if known) | Name of Patentee or Applicant of Cited Document | Issue/Publication Date (MM-DD-YYYY) |
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| | 5,720,956 | | Peter Rohdewald | 02-24-1998 |
| | 6,372,266 | B1 | Nobutaka Suzuki et al. | 04-16-2002 |
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| Examiner Initials | Document Number | Kind Code (if known) | Country | Date of Publication (MM-DD-YYYY) | STATUS | | | | | | |
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| | | | | | Translation | Partial Translation | Eng. Lang. Summary | Search Report | IPER | Abstract | Cited in Spec |
| | 7-138168 | | Japan | 05-30-1995 | | | | | | * | * |
| | 2002-97143 | | Japan | 04-02-2002 | | | | | | | * |
| | 2000-135071 | | Japan | 05-16-2000 | | * | | | | | * |
| | 9-278663 | | Japan | 10-28-1997 | | | | | | | |
| | 8-73365 | | Japan | 03-19-1996 | | | | | | * | |
| | 2000-125823 | | Japan | 05-09-2000 | | | | | | * | |
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| | 2003-146898 | | Japan | 05-21-2003 | | | | | | * | |
| | 2001-106634 | | Japan | 04-17-2001 | | | | | | | |
| | 2002-29953 | | Japan | 01-29-2002 | | * | | * | | | |
| | 2003-95968 | | Japan | 04-03-2003 | | * | | * | | | |
| | 2003-284525 | | Japan | 10-07-2003 | | * | | * | | | |
| | 2003-128560 | | Japan | 05-08-2003 | | * | | * | | | |

NON-PATENT LITERATURE DOCUMENTS

| Examiner Initials | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. |
|-------------------|---|
| | TAKAGAKI, "Ichu Ha Extract no Tokusei to Riyo", <u>New Food Industry</u> , 1998, vol. 40, n. 5, pp. 1-7 (Partial Translation). |
| | "Grape seed polyphenols (Grape seed proanthocyanidins). "The polyphenols suppress oxidation of LDL, thereby providing effect of preventing arteriosclerosis", <u>Vitamin</u> , 1999, vol. 73, no. 12, pp. 747-749 (Partial Translation). |
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*Copy Attached

**Previously Provided

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| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.